

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

October 12, 2020

CONDITIONAL USE PERMIT No. 2020-16

PROJECT PLANNER:	Steven Sopp, Senior Planner
APPLICANT:	Marquis Auto Sales
LOCATION:	Southwest corner of Cross Avenue and north 'N' Street
APN:	170-231-006
ZONING CLASSIFICATION:	C-3 (Retail Commercial)
GENERAL PLAN DESIGNATION:	Central Business District
SURROUNDING LAND USES AND ZONING:	North: Service Commercial Bldgs. C-4 South: Vacant C-3 West: Commercial Bldgs./Library C-3 East: Commercial Bldgs. C-3

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2020-16 subject to the findings and conditions in Resolution No. 5376. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

REQUEST:

Conditional Use Permit No. 2020-16 is a request by Marquis Auto Sales to establish an auto sales business within an existing approximately 5,600 sq. ft. building located on the southwest corner of Cross Avenue and north 'N' Street (APN 170-231-006).

DETAILS OF THE PROPOSAL:

The proposed project consists of the establishment of an auto sales business within an existing approximately 5,600 sq. ft. building, located on the southwest corner of Cross Avenue and north 'N' Street. The applicant is currently operating an auto sales business, Marquis Auto Sales, within a leased commercial building located across Cross Avenue to the north of the proposed project site at 420 E. Cross Avenue. The property owner has indicated that he intends to demolish the building leased by Marquis Auto in order to facilitate an expansion of the Veterinary clinic located on the northeast corner of Cross

Avenue and 'M' Street. The applicant is proposing to relocate to the proposed project site.

The applicant provided an operational statement for the proposed operations of the business (attached). The operational statement indicates "business activities include online marketing, sales, advertising, and financing. All activities are primarily performed online. Therefore, need for exposure is not needed. The majority of customers will be entering the space by appointment only."

The operating hours of the auto sales business are proposed to be Monday through Friday from 9:30 a.m. to 3:30 p.m., Saturday 11 a.m. to 3:30 p.m. and closed Sunday. The business is a family owned business and will not immediately have employees other than the owners of the business.

Per Chapter 10.192.040(B)(3)(d) of the municipal code, vehicles sales shall provide one space for each 400 sq. ft. of gross floor area of showroom and office space. The proposed lease space is 5,600 sq. ft., which would require 14 parking spaces to be provided for the proposed use. The proposed leased area will include approximately 10 spaces dedicated to the proposed use. The subject property is located within the Downtown Parking District. Per Chapter 10.192.040(D)(8) of the municipal code the Planning Commission has the right to waive parking requirements for this project. Due to the characteristics of the overall site and the operational statement provided by the applicant, staff believes there is sufficient parking provided to accommodate the proposed use.

STAFF COMMENTS:

The proposed site is designated as Central Business District and zoned C-3 (Retail Commercial). The City of Tulare Municipal Code states that "Auto Sales" is a permitted use within the C-3 zone upon the granting of a conditional use permit in accordance with the provisions of Chapter 10.116 Conditional Use Permits (Chapter 10.40).

Surrounding land uses include several retail, office and service commercial land uses. The use has operated across the street from the proposed project site for the past several years with no known conflicts. The proposed use and site can operate in a compatible manner with the surrounding uses.

The Site Plan Review Committee reviewed the project with the applicant on September 9, 2020 and prepared comments and conditions for the applicant. The site plan and was reviewed by the Committee for compliance with the City's adopted Zoning Ordinance and Municipal Code.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2020-16:

- 1) That the proposed location of the project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title.
- 4) That the proposed use is consistent with the Tulare General Plan.
- 5) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.

CONDITIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No. 2020-16 be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Approval does not authorize any deviation from Fire and Building Codes.
- 3) All roof mounted equipment shall be screened from public view by materials similar to those used in overall structure and approved by the City Planner at time of Building Permit review.
- 4) Vehicle inventory associated with the business shall be stored within the existing warehouse space and fenced area behind the warehouse space identified by the site plan provided by the applicant
- 5) Applicant shall comply with Engineering and Solid Waste comments/conditions (Attachments IV and V).
- 6) Applicant shall comply with San Joaquin Valley Air Pollution Control District regarding dust control during construction as required by SJVAPCD.
- 7) In accordance with Zoning Ordinance Section 10.116.080, where a use, which is operating under a conditional use permit, ceases to operate for a continuous period of one year, said conditional use permit shall lapse and become void.

- 8) Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community & Economic Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

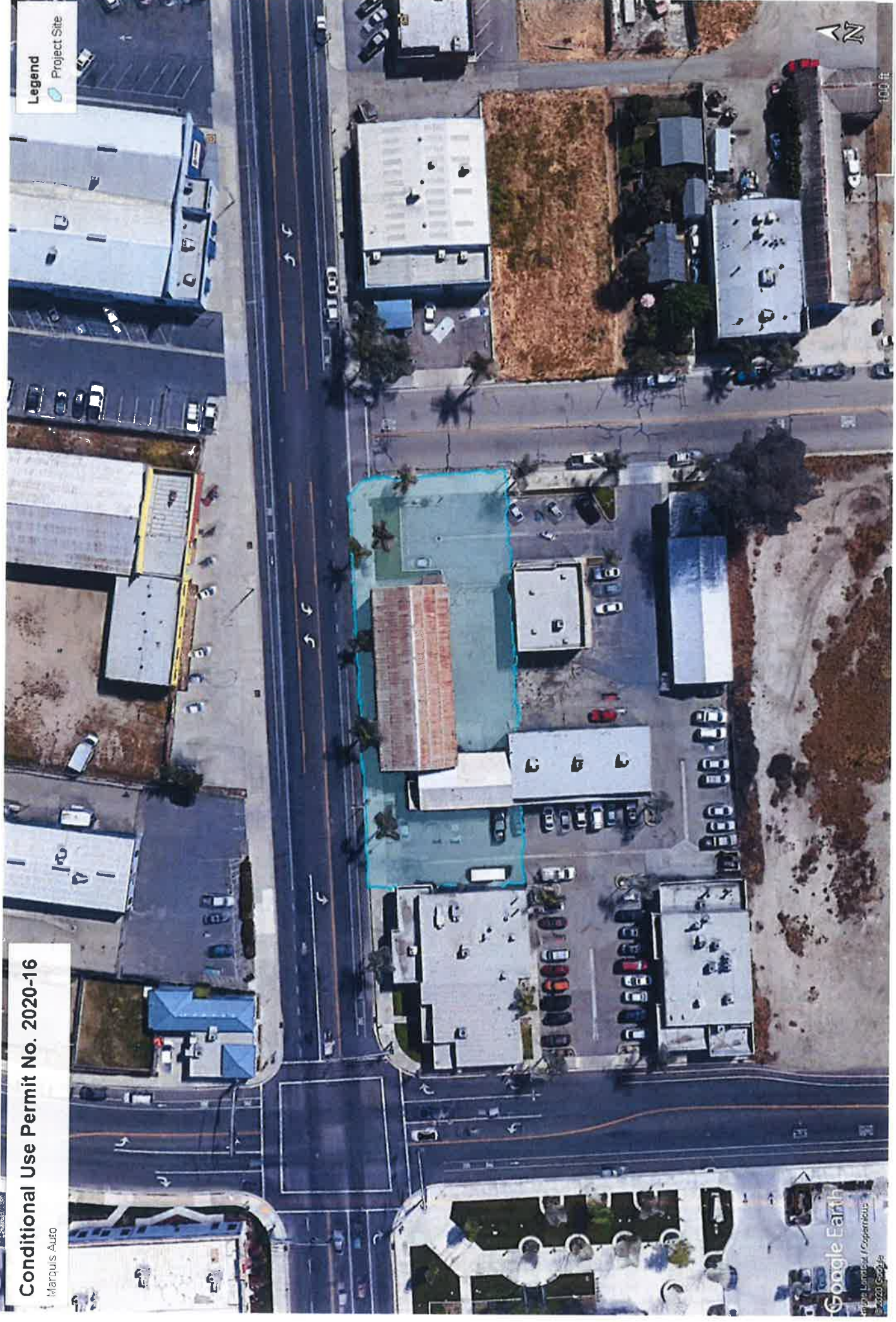
- I. Project Vicinity Map
- II. Site Plan
- III. Operational Statement
- IV. Engineering Comments
- V. Solid Waste Comments
- VI. Resolution

Conditional Use Permit No. 2020-16

Marquis Auto

Legend

Project Site



NORTH N ST.



Ennis Holdings, LLC & Kevin M. Land
12353 N Friant Rd
Fresno, CA 93730

Jared Ennis
Ennis Holdings, LLC
559-302-8698
Jared@CentralCaCommercial.com

Kevin M. Land
559-359-4035
Kevin@CentralCaCommercial.com

Re: Marquis Auto Sales @ 451 E Cross Ave, Tulare, CA 93274

To whom it may concern:

It is our pleasure to introduce ourselves as the Landlord for the leased space. In summary, the project is comprised of 6 buildings with 12 tenant spaces with desired users of professional commercial uses. The subject space is a 5,600 SF Flex Space Office/Warehouse used previously as a carpet showroom/installation/storage facility. As the leased space is the "odd duckling" of the complex, it has been our desire to find a more retail-related business that would offer great synergy to the surrounding users. After several inquiries/showings, we found Marquis Auto Sales ("MAS") was the cleanest user. After a significant investigation into the tenants business overview, operations, financial review, and having several in person meetings to learn about their business, we came to the conclusion that they would be a perfect fit for the building and surrounding project.

Attached is a site plan showing the agreed use and layout of the space that has been leased to MAS. MAS's currently leased premise is being sold which is the reason behind the need to move locations. MAS's preference is to remain in the City of Tulare and stay as close to their current location as possible, especially considering their business has had a Tulare address for ±22 years (previous location was 1319 West Inyo Ave from 3/1999 – 1/2014). The subject property is directly across the street from the current location of MAS and seems to be the best overall set up for their specific use and overall business operations in the City of Tulare.

MAS business activities include online marketing, sales, advertising, and financing – all of which are primarily performed on-line. Their need for exposure is not needed, thus the fact that the fenced lot is completely hidden by the building structure at the subject property is a non-issue. The majority of their consumers/customers will be entering the space by appointment only.

Operations by MAS at the subject property will be set up in a more functional and effective manner that is far less exposed to Cross Ave. They will have a larger building, more office, fully fenced in yard located behind the building for car sales, and a specific enclosed garage area for them to detail the vehicles. In addition to the car sales and detailing operations not being exposed on Cross Ave, they will also not be exposed to any other tenants in the complex.

Below is a comparison analysis of how MAS utilizes their current space ("Current") versus how they will be operating at the space they leased at the subject property ("New"), as well as the benefits of the subject property:

Thursday, September 10, 2020

Lease Proposal

Page 2

Fenced Vehicle Retail Sales:

- Current: ±24 vehicles in the front of the building facing/exposed to Cross Ave.
- New: ±24 Vehicles strictly located in the "Fenced Vehicle Retail Sales" area as shown on attached map. This area is enclosed by fence and is located behind the building, hidden out of public view and is not being exposed to Cross Ave.

Detail:

- Current: Currently, detail operations are in the open in the yard area exposed to Cross Ave.
- New: Interior Garage-like structure (fully enclosed, garage door, no street exposure) offers ideal interior detail area. MAS will detail all vehicles inside this structure and not have any exposure to Cross Ave or exposed to any of the other tenants in the complex.

Storage/Warehouse:

- Current: Current warehouse is small which forces many aspects of the business outside into the yard area, which is exposed to Cross Ave.
- New: MAS is gaining a warehouse space which is more than adequate to conduct their business operations, with room to grow, preventing it from overflowing into the yard.

Office:

- Current: Current location does not have enough office for their financing department.
- New: Office is larger and more functional than their current location. This larger office creates a welcoming environment for all aspects of their business especially the financing department.

We sincerely hope that you find Marquis Auto Sales as an acceptable user for the subject property. Should you have any questions or need any further information, please let us know and we would be more than happy to assist.

Best Regards,



Jared Ennis
(559) 302-8698

Jared@CentralCaCommercial.com



Kevin Land
(559) 359-4035

Kevin@CentralCaCommercial.com



SITE PLAN REVIEW COMMENTS

Engineering Services Department

Michael W. Miller, City Engineer

TO: Planning Division

FROM: Engineering Division

MEETING DATE: 9/9/2020

PROJECT: Site Plan Review Application No.: SP20-63 (Marquis Auto Sales)

PROJECT LOCATION: 170-231-006 and 007

OWNER/DEVELOPER: Ennis Holdings, LLC

The Engineering Division recommends the following Site Plan Review Status for the subject project:

- ☐ Resubmit: ☐ Additional Information Required, ☐ Redesign Required
☒ Revise and Proceed, comply with comments checked below

General Engineering Comments:

- 1) All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
- 2) Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Division, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license.
- 3) All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Division while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.
- 4) Easements will be required for all public utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements are required along all street frontages, unless otherwise waived by the City.

Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.

- 5) Existing curb and gutter, driveway approaches, sidewalk and ramped curb returns shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels.
- 6) Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
- 7) If they currently do not exist at the site, the proposed development shall install water services, water meters, and/or back flow devices, for both domestic and irrigation services as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be separate metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
- 8) Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 10) If currently not connected, the proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
- 11) A sewer monitoring station, oil/sand/water separator and/or grease interceptor shall be installed as required by the wastewater manager.
- 12) Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 13) A Public Works Inspection Fee is required prior to the construction of improvements.
- 14) In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
- 15) If the project meets the one acre of disturbance criteria of the States Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is required. A copy of the approved permit and the SWPPP shall be provided to the City. When construction activities are not covered under the General Permit, storm water pollution control shall be implemented per the requirements of the City's Municipal Separate Storm Sewer System (MS4) permit.
- 16) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.
- 17) All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:

☐ Sewer front foot charges of \$ 31.90 per front foot for frontages on _____.

- ☐ Sewer lift station fee of \$ _____ per acre.
- ☐ Water front foot charges of \$ 17.50 per front foot for frontages on _____.
- ☐ Street front foot charges of \$ _____ per front foot for frontages on _____.
- ☐ Benefit district creation fee (if applicable): \$ 1,008.19 per district.
- ☐ Traffic signal in-lieu fee of \$ _____.
- ☐ TID ditch piping In-lieu fee of \$ _____.
- ☐ Sewer main construction in-lieu fee of \$ _____.
- ☐ Water main construction in-lieu fee of \$ _____.
- ☐ Street construction in-lieu fee of \$ _____.
- ☒ Engineering inspection fee based on a percentage of the estimated cost of construction.
- ☐ Development impact fees to be paid with building permit at rates in effect at time of permit issuance.
- ☒ Engineering plan check fee to be paid at time of plan submittal.
- ☐ Final map plan check fee to be paid at time of map submittal.
- ☐ Other: _____

Prepared By: Jan Bowen, Engineering Department

Lucie Brown

From: Art Avila
Sent: Thursday, September 17, 2020 11:11 AM
To: Lucie Brown
Subject: RE: comments

Good Morning Lucie,

As discussed at the last site plan meeting, there is an existing enclosure on the property complex that they can share with other tenants and share the cost. If they choose to have their own bin Marquis Auto sales will have to set aside an area for a trash and recycle bin and it must direct access. Location will have to be approved by the Solid Waste Manager.

From: Lucie Brown
Sent: Tuesday, September 15, 2020 2:57 PM
To: Art Avila <aavila@tulare.ca.gov>; Ryan Leonardo <rleonardo@tulare.ca.gov>
Subject: comments

Need SPR comments for SP 20-63-- Marquis

RESOLUTION NO. 5376

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2020-16**

WHEREAS, Conditional Use Permit 2020-16 is a request by Marquis Auto Sales to establish an auto sales business within an existing approximately 5,600 sq. ft. building located on the southwest corner of Cross Avenue and north 'N' Street; and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on October 12, 2020; and,

WHEREAS, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2020-16 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the Planning Commission of the City of Tulare finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA):

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301 (Existing Facilities); and,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act of 1970, as amended.

BE IT FURTHER RESOLVED, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2020-16 is hereby approved subject to the following conditions:

Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Approval does not authorize any deviation from Fire and Building Codes.
- 3) Applicant shall comply with Engineering Division comments/conditions (Attachment III).
- 4) Applicant to provide two covered parking spaces dedicated to the residential use in compliance with Chapter 10.192.040(A)(1) of the City of Tulare Municipal Code.
- 5) If the use ceases to operate for a continuous period of one year, said conditional use permit shall lapse and become void.
- 6) If any conditions of approval are violated, this conditional use permit may be revoked as prescribed in the Municipal Code.

Engineering

- 1) All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
- 2) Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Division, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license.
- 3) All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Division while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.
- 4) Easements will be required for all public utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements are required along all street frontages, unless

otherwise waived by the City Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.

- 5) Existing curb and gutter, driveway approaches, sidewalk and ramped curb returns shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels.
- 6) Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
- 7) If they currently do not exist at the site, the proposed development shall install water services, water meters, and/or back flow devices, for both domestic and irrigation services as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be separate metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
- 8) Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 9) If currently not connected, the proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
- 10) A sewer monitoring station, oil/sand/water separator and/or grease interceptor shall be installed as required by the wastewater manager.
- 11) Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 12) A Public Works Inspection Fee is required prior to the construction of improvements.
- 13) In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
- 14) If the project meets the one acre of disturbance criteria of the States Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is required. A copy of the approved permit and the SWPPP shall be provided to the City. When construction activities are not covered under the General Permit, storm water pollution control shall be implemented per the requirements of the City's Municipal Separate Storm Sewer System (MS4) permit.

15) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.

16) All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:

- ☐ Sewer front foot charges of \$ 31.90 per front foot for frontages on _____.
- ☐ Sewer lift station fee of \$ _____ per acre.
- ☐ Water front foot charges of \$ 17.50 per front foot for frontages on _____.
- ☐ Street front foot charges of \$ _____ per front foot for frontages on _____.
- ☐ Benefit district creation fee (if applicable): \$ 1,008.19 per district.
- ☐ Traffic signal in-lieu fee of \$ _____.
- ☐ TID ditch piping In-lieu fee of \$ _____.
- ☐ Sewer main construction in-lieu fee of \$ _____.
- ☐ Water main construction in-lieu fee of \$ _____.
- ☐ Street construction in-lieu fee of \$ _____.
- ☒ Engineering inspection fee based on a percentage of the estimated cost of construction.
- ☐ Development impact fees to be paid with building permit at rates in effect at time of permit issuance.
- ☒ Engineering plan check fee to be paid at time of plan submittal.
- ☐ Final map plan check fee to be paid at time of map submittal.
- ☐ Other: _____

Solid Waste

As discussed at the site plan meeting, there is an existing enclosure on the property complex that they can share with other tenants and share the cost. If they choose to have their own bin Marquis Auto sales will have to set aside an area for a trash and recycle bin and it must direct access. Location will have to be approved by the Solid Waste Manager.

PASSED, APPROVED AND ADOPTED this twelfth day of October, 2020 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

TRACI MYERS, SECRETARY
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

October 12, 2020

• CONDITIONAL USE PERMIT NO. 2020-17

PRESENTED TO:	Planning Commission
PRESENTED BY:	Steven Sopp, Senior Planner
APPLICANT:	Veronica Ortiz
LOCATION:	1414 W Tulare Avenue
APN:	168-060-010
ZONING CLASSIFICATION:	M-1 (Light Industrial)
GENERAL PLAN DESIGNATION:	Light Industrial
SURROUNDING LAND USES AND ZONING:	North: Residence M-1 South: CVS Pharmacy C-3 East: Residence R-1-6 West: Family Dollar M-1

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2020-17 subject to the findings and conditions in Resolution No. 5375. Staff's recommendation is based on the findings and the projects consistency with the policies and intent of the City's General Plan and Municipal Code.

REQUEST

Conditional Use Permit No. 2020-17 is a request by Veronica Ortiz of Tacqueria Michoacan to operate a stationary mobile vending vehicle on the property located at 1414 W. Tulare Avenue.

STAFF COMMENTS AND PROJECT DETAILS:

The applicant proposes to operate a vending vehicle (Taco Truck) in the parking lot of an existing service station/carwash, located on the northwest corner of Tulare Avenue and West Street. The proposed vending vehicle is a self-contained mobile food vending truck. The location map depicts the vending vehicle to be parked on the west side of the business in front of the carwash area of the business and will not occupy any parking stalls. The applicant proposes to operate the vending vehicle from 6 p.m. to 12 a.m. Wednesday through Monday. The applicant's proposed operation includes setting up and the removal of the vending vehicle

daily from the site. The vending operation is walk-up and contains refrigeration, cooking and food preparation areas. The applicant proposes to set up 1 table and chairs immediately adjacent to the vending vehicle for customer use.

Restrooms are located in the existing service station. The applicant has received a letter from the owner allowing the use of the restrooms throughout the business hours.

On July 9, 2019 the Planning Commission approved Conditional Use Permit (CUP) No. 2019-23 to allow the applicant to operate as a mobile food vendor at this location. The Planning Commission's approval was valid for one-year and on July 9, 2020 CUP 2019-23 expired. The applicant has operated as a mobile food vendor at this site for the past five years. The applicant is applying to remain at this location and continue to operate. Applicant is requesting the approval to continue to the setup of 1 table and 4 chairs for customer use adjacent to the vending vehicle

Operation of stationary mobile vending units require approval of a Conditional Use Permit (*Chapter 10.180 – Vending Stands on private property*).

No comments have been received by staff regarding this project in response to the public notice that was mailed to surrounding property owners and published.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2020-17.

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

CONDITIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No.2020-17, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City's wastewater system.
- 6) Applicant shall obtain any other required license or permit.
- 7) This permit shall remain valid for two-years from approval or July 9, 2022; at which time Applicant may apply for a new Conditional Use Permit.
- 8) Conditional Use Permit approval shall be subject to a one-year review by the Planning Commission to ensure that the applicant is meeting the conditions of approval adopted for the use. The applicant shall provide proof of up to date Tulare County Health Department license, California DMV license and liability insurance as part of a one-year review.
- 9) Applicant to be permitted to set up 1 table and chairs immediately adjacent to the vending vehicle for customer use. Table and chairs to remain outside of vehicle paths of travel and to be removed at the close of each evening.
- 10) Hours of operation shall be from 6 p.m. to 12 a.m. Wednesday through Monday.

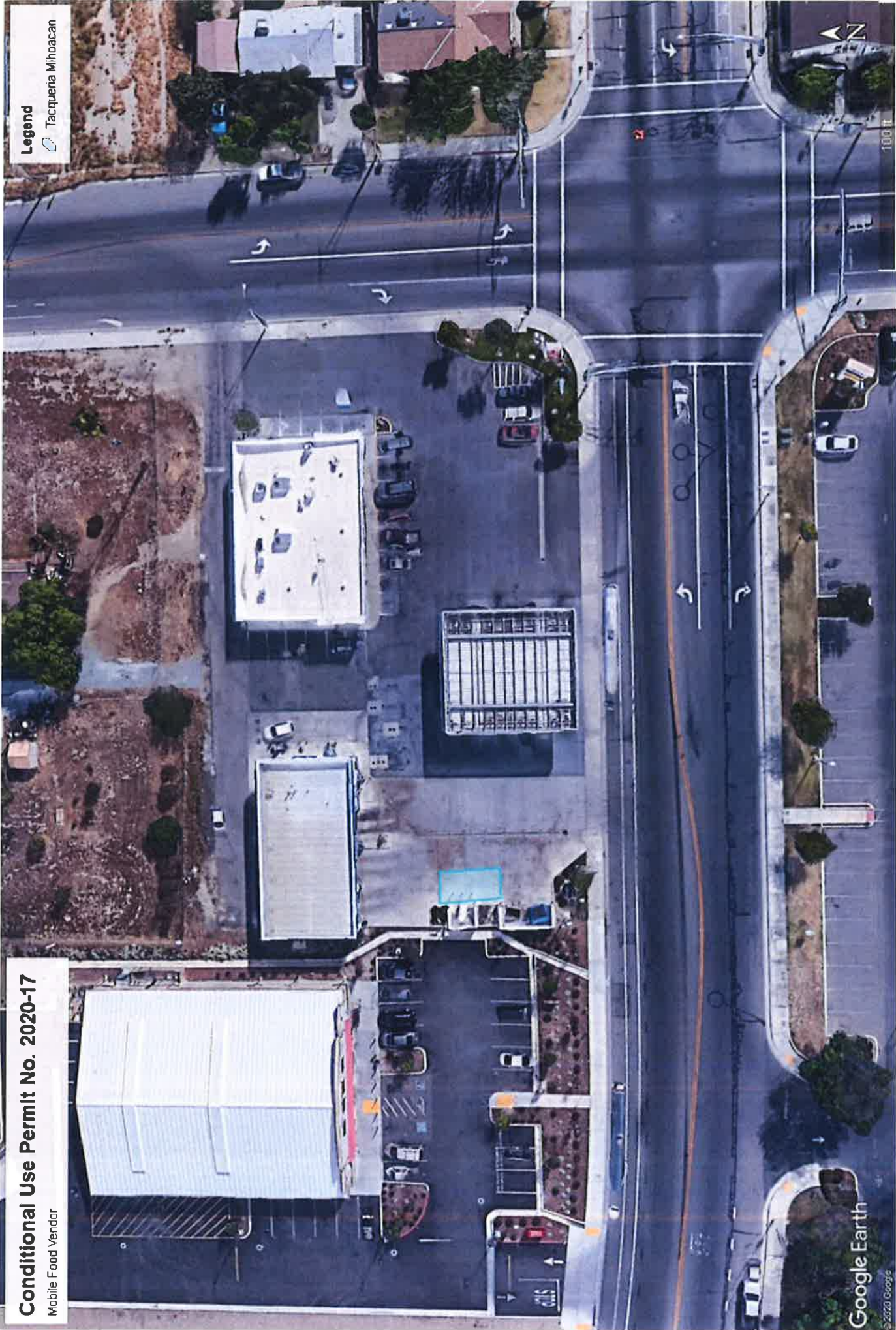
APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

- I. Project Location Map
- II. Exterior Elevation – Front
- III. Resolution

Conditional Use Permit No. 2020-17
Mobile Food Vendor



Legend
Tacqueria Mihoacan

Google Earth
© 2020 Google

Taqueria Michoacana

TACOS
BURRITOS
QUESADILLAS
SOPES
TORTAS
TOSTADAS



CARNES

ASADA, CABEZA
PASTOR, LENGUA
CHORIZO

MARISCOS

COCTEL DE CAMARON
TOSTADAS
PESCADO
Y MAS



RESOLUTION NO. 5375

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2020-17**

WHEREAS, Conditional Use Permit 2020-17 is a request by Veronica Ortiz of Tacqueria Michoacan to operate a stationary mobile vending vehicle on the property located at 1414 Tulare Avenue; and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on October 12, 2020; and,

WHEREAS, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2020-17 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the Planning Commission of the City of Tulare finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA); and,

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15304(e); and,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

BE IT FURTHER RESOLVED, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2020-17 is hereby approved subject to the following conditions:

Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City's wastewater system.
- 6) Applicant shall obtain any other required license or permit.
- 7) This permit shall remain valid for two-years from approval or July 9, 2022; at which time Applicant may apply for a new Conditional Use Permit.
- 8) Conditional Use Permit approval shall be subject to a one-year review by the Planning Commission to ensure that the applicant is meeting the conditions of approval adopted for the use. The applicant shall provide proof of up to date Tulare County Health Department license, California DMV license and liability insurance as part of a one-year review.
- 9) Applicant to be permitted to set up 1 table and chairs immediately adjacent to the vending vehicle for customer use. Table and chairs to remain outside of vehicle paths of travel and to be removed at the close of each evening.
- 10) Hours of operation shall be from 6 p.m. to 12 a.m. Wednesday through Monday.

PASSED, APPROVED AND ADOPTED this twelfth day of October, 2020 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ATTEST

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

TRACI MYERS, SECRETARY
City of Tulare Planning Commission

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

October 12, 2020

CONDITIONAL USE PERMIT NO. 2020-18

PRESENTED TO:	Planning Commission
PROJECT PLANNER:	Steven Sopp, Senior Planner
APPLICANT:	Karen Ribeiro
LOCATION:	520 King Avenue
APN:	176-123-008
ZONING CLASSIFICATION:	C-2 (Office Commercial)
GENERAL PLAN DESIGNATION:	Central Business District
SURROUNDING LAND USES AND ZONING:	North: Residence RM-3 South: Church C-3 East: Multi-family Res RM-3 West: Offices Complex C-2

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2020-18 subject to the findings and conditions in Resolution No. 5377. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

REQUEST

This is a request by Karen Ribeiro to establish a residential use within a commercial zone. The residential use is proposed to be established within an existing structure located at 520 King Avenue (APN 176-123-008).

STAFF COMMENTS:

The residential use is proposed to be established within an existing building located at 520 King Avenue and is currently zoned C-2 (Office Commercial). The property recently has been utilized as the Studio 115 Hair Salon. The property consists of a primary structure that was originally constructed as a single-family residence in 1931 and an accessory structure that has been converted to additional commercial space and has recently been utilized by the hair salon. The applicant is proposing to use the primary

structure as a residence and to continue to use the accessory structure as a commercial use (see operational statement attached). Surrounding land uses include a church, commercial office space and residential uses. The proposed use and site can operate in a compatible manner with the surrounding uses.

The subject property is located within the Downtown Parking District. The Planning Commission has the right to waive parking requirements for this project. If the Planning Commission determines that off-street parking is required, the proposed residential use would require the establishment of two covered parking spaces and the commercial use would require one space per 300 sq. ft. of gross floor area of the commercial use to be established. In this instance, staff believes there is sufficient parking provided to accommodate the proposed use.

Residential uses require approval of a Conditional Use Permit in the C-3 (Retail Commercial) Zoning District (*Chapter 10.116 – Conditional Use Permits*).

No comments have been received by staff regarding this project during the public comment period.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2020-18:

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act of 1970, as amended.

CONDITIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No. 2020-18, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Approval does not authorize any deviation from Fire and Building Codes.
- 3) Applicant shall comply with Engineering Division comments/conditions (Attachment III).
- 4) Applicant to provide two covered parking spaces dedicated to the residential use in compliance with Chapter 10.192.040(A)(1) of the City of Tulare Municipal Code.
- 5) If the use ceases to operate for a continuous period of one year, said conditional use permit shall lapse and become void.
- 6) If any conditions of approval are violated, this conditional use permit may be revoked as prescribed in the Municipal Code.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

- I. Project Location Map
- II. Operational Statement
- III. Engineering Comments
- IV. Resolution

9-9-2020

Brief operational Statement

Karen Ribeiro

Studio 115

520 E King Ave

Tulare, CA

559-358-0100

My Building on 520 E King is
Zoned C2. I've had a full service hair salon
in it and would like to turn the main
residence back into a house. Keep the 4
rooms and bathroom outside business space.

Thank you,

Karen Ribeiro



SITE PLAN REVIEW COMMENTS

Engineering Services Department

Michael W. Miller, City Engineer

TO: Planning Division

FROM: Engineering Division

MEETING DATE: 9/16/2020

PROJECT: Site Plan Review Application No. : SP20-64 (Studio 115)

PROJECT LOCATION: 520 E. King Avenue

OWNER/DEVELOPER: Karen Ribeiro

The Engineering Division recommends the following Site Plan Review Status for the subject project:

- ☐ Resubmit, ☐ Additional Information Required, ☐ Redesign Required
☒ Revise and Proceed, comply with comments checked below

General Engineering Comments:

- 1) All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
- 2) Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Division, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license.
- 3) All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Division while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.
- 4) Easements will be required for all public utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements are required along all street frontages, unless otherwise waived by the City

Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.

- 5) Existing curb and gutter, driveway approaches, sidewalk and ramped curb returns shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels.
- 6) Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
- 7) If they currently do not exist, the proposed development shall install water services, water meters, and/or back flow devices (back flow for commercial uses only), as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be separate metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
- 8) Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 9) If currently not connected, the proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
- 10) Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 11) A Public Works Inspection Fee is required prior to the construction of improvements.
- 12) If the project meets the one acre of disturbance criteria of the States Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is required. A copy of the approved permit and the SWPPP shall be provided to the City. When construction activities are not covered under the General Permit, storm water pollution control shall be implemented per the requirements of the City's Municipal Separate Storm Sewer System (MS4) permit.
- 13) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.
- 14) All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:
 - ☐ Sewer front foot charges of \$ 31.90 per front foot for frontages on _____.
 - ☐ Sewer lift station fee of \$ _____ per acre.
 - ☐ Water front foot charges of \$ 17.50 per front foot for frontages on _____.
 - ☐ Street front foot charges of \$ _____ per front foot for frontages on _____.
 - ☐ Benefit district creation fee (if applicable): \$ 1,008.19 per district.

- ☐ Traffic signal in-lieu fee of \$ _____.
- ☐ TID ditch piping In-lieu fee of \$ _____.
- ☐ Sewer main construction in-lieu fee of \$ _____.
- ☐ Water main construction in-lieu fee of \$ _____.
- ☐ Street construction in-lieu fee of \$ _____.
- ☒ Engineering inspection fee based on a percentage of the estimated cost of construction.
- ☐ Development impact fees to be paid with building permit at rates in effect at time of permit issuance.
- ☒ Engineering plan check fee to be paid at time of plan submittal.
- ☐ Final map plan check fee to be paid at time of map submittal.
- ☐ Other: _____

Prepared By: Jan Bowen, Engineering Department

RESOLUTION NO. 5377

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2020-18**

WHEREAS, Conditional Use Permit 2020-18 is a request by Karen Ribeiro to establish a residential use within a commercial zone. The residential use is proposed to be established within an existing structure located at 520 King Avenue South; and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on October 12, 2020; and,

WHEREAS, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2020-18 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the Planning Commission of the City of Tulare finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA):

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301 (Existing Facilities); and,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act of 1970, as amended.

BE IT FURTHER RESOLVED, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2020-18 is hereby approved subject to the following conditions:

Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Approval does not authorize any deviation from Fire and Building Codes.
- 3) Applicant shall comply with Engineering Division comments/conditions (Attachment III).
- 4) Applicant to provide two covered parking spaces dedicated to the residential use in compliance with Chapter 10.192.040(A)(1) of the City of Tulare Municipal Code.
- 5) If the use ceases to operate for a continuous period of one year, said conditional use permit shall lapse and become void.
- 6) If any conditions of approval are violated, this conditional use permit may be revoked as prescribed in the Municipal Code.

Engineering

- 1) All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
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- 3) All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Division while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.
- 4) Easements will be required for all public utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements are required along all street frontages, unless

otherwise waived by the City Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.

- 5) Existing curb and gutter, driveway approaches, sidewalk and ramped curb returns shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels.
- 6) Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
- 7) If they currently do not exist, the proposed development shall install water services, water meters, and/or back flow devices (back flow for commercial uses only), as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be separate metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
- 8) Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 9) If currently not connected, the proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
- 10) Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 11) A Public Works Inspection Fee is required prior to the construction of improvements.
- 12) If the project meets the one acre of disturbance criteria of the States Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is required. A copy of the approved permit and the SWPPP shall be provided to the City. When construction activities are not covered under the General Permit, storm water pollution control shall be implemented per the requirements of the City's Municipal Separate Storm Sewer System (MS4) permit.
- 13) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional

approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.

14) All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:

- ☐ Sewer front foot charges of \$ 31.90 per front foot for frontages on _____.
- ☐ Sewer lift station fee of \$ _____ per acre.
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- ☐ Street front foot charges of \$ _____ per front foot for frontages on _____.
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- ☐ Sewer main construction in-lieu fee of \$ _____.
- ☐ Water main construction in-lieu fee of \$ _____.
- ☐ Street construction in-lieu fee of \$ _____.
- ☒ Engineering inspection fee based on a percentage of the estimated cost of construction.
- ☐ Development impact fees to be paid with building permit at rates in effect at time of permit issuance.
- ☒ Engineering plan check fee to be paid at time of plan submittal.
- ☐ Final map plan check fee to be paid at time of map submittal.
- ☐ Other: _____

PASSED, APPROVED AND ADOPTED this twelfth day of October, 2020 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

TRACI MYERS, SECRETARY
City of Tulare Planning Commission